

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
)
Plaintiff,) **Case No. 8:16CR80**
)
vs.)
)
JESSICA MILLER,)
)
Defendant.) **ORDER**

This case is before the court on the defendant Jessica Miller's Motion to Review Detention (#26). The defendant moves the court for an order releasing her to a residential treatment program. The motion is denied without hearing.

The 25-year-old defendant is currently charged with conspiracy to distribute methamphetamine punishable by up to forty years incarceration, a fine not to exceed five million dollars, a minimum of four years of supervised release, and a \$100 special assessment. A review of the defendant's Pretrial Services report (#7) discloses the defendant has a prior conviction for possession of controlled substance (2015) and a pending felony possession of methamphetamine and possession of drug paraphernalia (2016). Additionally, the Pretrial Services report shows the defendant has an active bench warrant from Jackson, Wyoming, for an alleged probation violation. Further, the court has been informed by Pretrial Services that there is now a pending bench warrant from Buffalo County, Nebraska.

Based upon the above, I find the defendant's proposed release to inpatient treatment fails to mitigate the court's concerns as to risk of nonappearance or danger and, further,

that the proposed placement fails to rebut the presumption of detention under 18 U.S.C. § 3142(e).

IT IS ORDERED: Defendant's Motion to Review Detention (#26) is denied without hearing.

Dated this 28th day of April 2016.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge